

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT TACOMA

JAMES ERNEST DICKERSON,

Petitioner,

v.

CAROL PORTER,

Respondent.

Case No. C06-5110RJB

REPORT AND  
RECOMMENDATION

**NOTED FOR:  
June 2<sup>nd</sup>, 2006**

This 42 U.S.C. § 1983 action has been referred to the undersigned Magistrate Judge pursuant to 28 U.S.C. § 636 (b) and local Rules MJR 3 and 4. Plaintiff has filed a complaint and been given *in forma pauperis* status. (Dkt. # 5).

The court reviewed the complaint and was unable to read portions of the document. (Dkt. # 1 pages 3 and 6). The court ordered plaintiff to amend or re submit his complaint. (Dkt. # 7). Plaintiff has not complied and instead has filed, a motion for subpoena duces tecum, (Dkt. # 11), a motion to produce documents, (Dkt. # 12), and a motion for accelerated review, (Dkt. # 12).

The motions were summarily denied in light of plaintiff's failure to comply with a court order.

ORDER- 1

1 The court now recommends this action be **DISMISSED WITHOUT PREJUDICE** for failure to  
2 comply with the order to file a legible complaint.

3 The action cannot proceed without a legible complaint. A proposed order accompanies this  
4 Report and Recommendation.

5 Pursuant to 28 U.S.C. § 636(b)(1) and Rule 72(b) of the Federal rules of Civil Procedure, the  
6 parties shall have ten (10) days from service of this Report to file written objections. *See also* Fed.  
7 R. Civ. P. 6. Failure to file objections will result in a waiver of those objections for purposes of  
8 appeal. Thomas v. Arn, 474 U.S. 140 (1985). Accommodating the time limit imposed by Rule  
9 72(b), the clerk is directed to set the matter for consideration on **June 2<sup>nd</sup>, 2006**, as noted in the  
10 caption.

11  
12 DATED this 8<sup>th</sup> day of May, 2006.

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15 /s/ J. Kelley Arnold  
16 J. Kelley Arnold  
United States Magistrate Judge  
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